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OCT 17 2006

Docket No.: 4481-045

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David Finlay TAYLOR

U.S. Patent Application No. 10/084,498

Group Art Unit: 2631

Filed: February 28, 2002

Examiner: Freshteh N. AGHDAM

For: NETWORK MEASUREMENT METHOD AND APPARATUS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Abandonment mailed August 17, 2006, attorney for applicant petitions to withdraw holding of abandonment. Attached is a copy of the Issue Fee Transmittal filed in the U.S. Patent and Trademark Office on June 15, 2006, along with a credit card form. The Issue Fee Transmittal shows that the USPTO received our credit card form. Unfortunately, our credit card form indicated the incorrect application number and attorney docket number. A copy of our facsimile transmission is also attached.

Due to the typographical error, it is respectfully requested that the Notice of Abandonment be withdrawn. If this Petition is denied, attorney for applicant herewith submits a Petition for Revival On An Application For Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-
LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
ON THE DATE SHOWN BELOWTracy A. Luke
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571-273-8300
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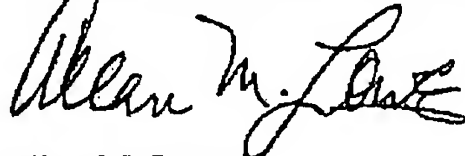
U.S. Patent Application No. 10/084,498

Attorney Docket No. 4481-045

The Commissioner is hereby authorized to charge any necessary fees and/or credit any overpayments to Deposit Account No. 07-1337.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Allan M. Lowe
Registration No. 19,641

LOWE HAUPTMAN & BERNER, LLP (22429)

1700 Diagonal Road, Suite 310

(703) 684-1111 AML/tal

Facsimile (703) 518-5499

October 17, 2006

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee payments.

CURRENT CORRESPONDENCE ADDRESS (From the Block 1 fee change of address)

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7390

04/14/2006

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Legal Department, DL 429
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P.O. Box 7599
Loveland, CO 80537-0599

Certificate of Mailing or Transmittal
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Donna L. Lizama (Depositor's name)
June 15, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/094,498	02/28/2002	David Finlay Taylor	4481-045	7479

TITLE OF INVENTION: NETWORK MEASUREMENT METHOD AND APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	07/14/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
AGHDAM, FRESHTEN N	2611	375-375000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Agilent Technologies, Inc.

Palo Alto, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☒ Payment by credit card. Form 100-100 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Allan M. Lowe

Date June 15, 2006

Typed or printed name

Allan M. Lowe

Registration No. 19,641

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PAGE 2/2 * RCVD AT 6/15/2006 5:27:14 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/18 * DNIS:2738300 * CSID:7035185499 * DURATION (mm-ss):02:42

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PAGE 3/7 * RCVD AT 10/17/2006 2:32:56 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/18 * DNIS:2738300 * CSID:7035185499 * DURATION (mm-ss):04:46

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PTO/SB/64 (10-01)

Approved for use through 10/31/2002 OMB 0651-0031

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL ON AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

4481-045

First named inventor: **David Finlay TAYLOR**Application No. **10/084,498**Art Unit: **2611**Filed: **February 28, 2002**Examiner: **Freshteh N. AGHDAM**Title: **NETWORK MEASUREMENT METHOD AND APPARATUS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please
contact Petitions Information at (703) 305 9282

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The due date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant
applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the delay entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
The form of _____ (identify type of reply)

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B. The issue fee of \$1,700.

- ☒ has been filed previously on June 15, 2006.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the
amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO
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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit information and authorization on PTO-2038.

October 17, 2006
Date

Allan M. Lowe
Signature

Allan M. Lowe, Reg. No. 19,841
Typed or printed name

Telephone
Number (703) 684-1111

LOWE HAUPTMAN & BERNER, LLP
CUSTOMER NO. 22429
1700 Diagonal Road
Suite 300, Alexandria, Virginia 22314
Address

- Enclosures:
- ☒ Fee Payment (If to be charged, fees are to be charged to Deposit Account No. 07-1337)
 - ☐ Reply
 - ☐ Terminal Disclaimer
 - ☐ Additional sheets containing statements establishing unintentional delay
 - ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

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Melissa P. Satorre
Signature

Melissa P. Satorre

Type or printed name of person signing certificate

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